



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

August 20, 2021

Stan Opperman  
[sopperman@us.apc.com](mailto:sopperman@us.apc.com)  
Oldcastle SW Group, Inc.  
14802 W. 44<sup>th</sup> Ave.  
Golden, CO 80403

**RE: Incomplete Application for Transfer of Permit and Succession of Operators (SO3)  
Fairplay Site, Permit No. M-1982-086**

Dear Mr. Opperman:

On August 10, 2021, the Division of Reclamation, Mining and Safety received the Application Form for Transfer of Mineral Permit and Succession of Operators (SO3) from Alpine Rock Company to Oldcastle SW Group, Inc. for the Fairplay Site, Permit M-1982-086. The following items are incomplete for the application to be processed:

1. The Division requires a completed original Financial Warranty Corporate Surety Form, attachment 1.
2. Since the SO is being initiated due to a merger, please clarify if it is intended the current corporate surety on file will be updated with the new company name? If so, please provide a corporate surety rider accounting for the name change.
3. Please provide an original completed Affidavit of Authority, attachment 2.
4. The notary stamp on the Performance Warranty signature page is not legible. Please execute a new Performance Warranty, attachment 3.
5. On page 6, Other Reclamation Permits held by the Prospective Successor, is incorrectly filled out as it identifies the other reclamation permits held by the permittee and not the prospective successor. Please list all reclamation permits held by Oldcastle SW Group, Inc. and its subsidiaries.
6. The application includes documentation of a merger between Oldcastle SW Group, Inc. and Alpine Rock Company. The application also provides a deed showing Alpine Rock Company is the landowner. Please provide an additional document in accordance with Rule 6.4.14 showing the prospective successor has the legal right to enter to conduct mining and reclamation from the landowner. This may include a copy of a lease or a signed statement by the Alpine Rock Company and acknowledged by a Notary Public stating that the Oldcastle SW Group, Inc. has the legal right to enter to conduct mining and reclamation.
7. The application states no structure agreements required from past permittee. Upon review of permit maps and aerial imagery, there appears to be numerous structures located north and south of the entrance, adjacent to the western permit boundary. The approved mine plan map also shows the DF Miller Ditch bisecting the eastern portion of the permit. The prospective successor will need to conduct a survey, identify all structures within 200 feet of the affected lands boundary, and comply with Rule 6.4.19 for each applicable structure.

Rule 1.1(52) defines "Structure, Significant, Valuable and Permanent Man-made" as a non-portable improvement to real property which has defined, current and recognizable value of an economic nature; generally including but not limited to: buildings, houses, barns, fences, above or below ground utilities, irrigation



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ditches, maintained or public roads, bridges, railroad tracks, cemeteries, communication antennas, pipelines, water wells, water storage structures, discharge and conveyance structures, etc.

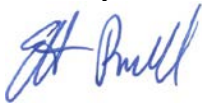
Rule 6.4.19 states, where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall:

- (a) provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- (b) where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- (c) where such structure is a utility, the applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

Please provide the above documents by **October 19, 2021**. All completed permit documents are required to be submitted for consideration of your Request for Transfer of Mineral Permit and Succession of Operators Application. If additional time is needed to respond, an extension request must be received by our Office by the decision date. If on the decision date, outstanding items remain, and no extension request has been received, your application will be denied and the file terminated. The Division reserves the right to further supplement this document with additional items and details as necessary.

If you have any questions, please contact me by telephone at 303-866-3567 x8132, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us). For questions regarding financial warranties, please contact the Division's Financial Assurance Specialist, Sara Stevenson-Benn, by telephone at 303-866-3567 x8148, or by email at [sara.stevenson-benn@state.co.us](mailto:sara.stevenson-benn@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Attachments:   1. Financial Warranty Corporate Surety Form  
                      2. Affidavit of Authority  
                      3. Performance Warranty

Ec:               Jason Musick, DRMS  
                      Sara Stevenson-Benn, Financial Assurance Specialist, DRMS